UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,378	07/11/2003	Stefan Eder	59498 (45107)	4908

21874   7590   04/06/2007
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EXAMINER
BOCURE, TESFALDET

ART UNIT	PAPER NUMBER
2611	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/618,378	EDER ET AL.
	Examiner	Art Unit	
	Tesfaldet Bocure	2611	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _18 January 2007_.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-6 and 8-15_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-6 and 8-15_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _18 January 2007_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _1/18/07_.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☒ Other: _Drawing Corr._.

DETAILED ACTION

Drawings

1.   The drawings were received on 1/18/07. The Examiner accepts these drawings.

Information Disclosure Statement

2.   The Examiner has considered the Information Disclosure Statement (IDS)

received on 1/18/07 and the initialed copy (one page) of the IDS is attached with this

correspondence.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6,8-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Wildfeuer et al., Wildfeuer hereinafter (US patent number 6,829,244 B1, of record)

in view of Jacobsmeyer (US patent number 5,541,955, newly cited).

Wildfeuer teaches a communication system (fig.1) having transceiver units (106a

and 106b), wherein each of the transceiver units comprising: a corresponding clock

sources (118a and 118b) for transmitting and receiving data; and the data received at

slow rate is stored for further playback, claimed ---with which an average the receiver

receives the digital value, as in claims 1,13 and 15.

Further to claims 2, 3, 8-12 Wildfeuer also teaches that:

the received signals are stored in jitter buffer 214 in a the case where the

received data are slow depending on the clock differences between the transmitting

side and the receiving side (see col. 2, lines 43-67) as in claim 2; reconstructing the

received data as in claim 3 (see decoder in figure 2); one of the transceiver unit, either

106a or 106b can be a transmitter and adjust its clock signal (clock 118 a or 118b) as in

claim 8 and receives digital data and adjust the clock signal as in claim 9; the signal to

be transmitted to the receiving modems 102a or 102b is inherently converted to analog

for voice transmission as in claim 10; the telephone service is communicated through

packet network 110 as in claim 11; and having CODEC202 for encoding and decoding

the signal to be transmitted and received respectively as in claim 12.

Wildfeuer does not show that the transmitter clock is adjusted to correspond to

the receiver's clock as in claims 1,13 and 15. Jacobsmeyer for the same endeavor as

the instant application and that of Wildfeuer teaches a rate adoption system having a

transmitter and a receiver, wherein the receiver transmits feedback information

pertaining to clock rate of the receiver to the transmitter so that the transmitter having a

phase locking loop (figs 5 and 21) for adjusting its clocking rate to match to that of the

receiver (see fig. 1).

Further to claim 5, the clock generators 118a and 118b having inherent oscillator.

However, Wildfeuer does not show clearly that the clock generators having means for

adjusting the operation of the oscillator as in claim 4 and the clock output signal being

divided as in claim 6. Jacobsmeyer for the same endeavor as the instant application

and that of Wildfeuer teaches clock rate adapting circuit with a phase locking loop

having a divider for dividing the frequency of the internally generated clock frequency to

match to that of the received clock frequency.

Therefore, it would have been obvious to one of an ordinary skill in the art to

adjust the phase or frequency of the incoming signal with that of the internally generated

clock signal at the time the invention was made.

Conclusion

2.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

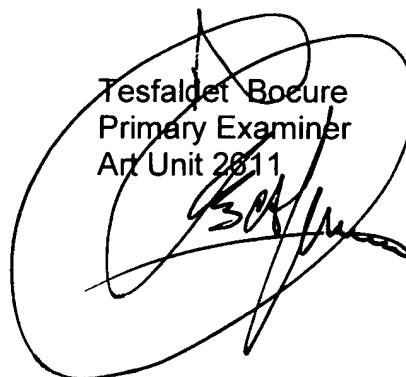than SIX MONTHS from the date of this final action.

3.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Tesfaldet Bocure whose telephone number is (571) 272-
3015. The examiner can normally be reached on Mon-Thur (7:30a-5:00p) & Mon.-Fri
(7:30a-5:00p).

    If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Jayanti (Jay) Patel can be reached on (571) 272-2988. The fax phone
number for the organization where this application or proceeding is assigned is 571-
273-8300.

    Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a
USPTO Customer Service Representative or access to the automated information
system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tesfaldet Bocure
Primary Examiner
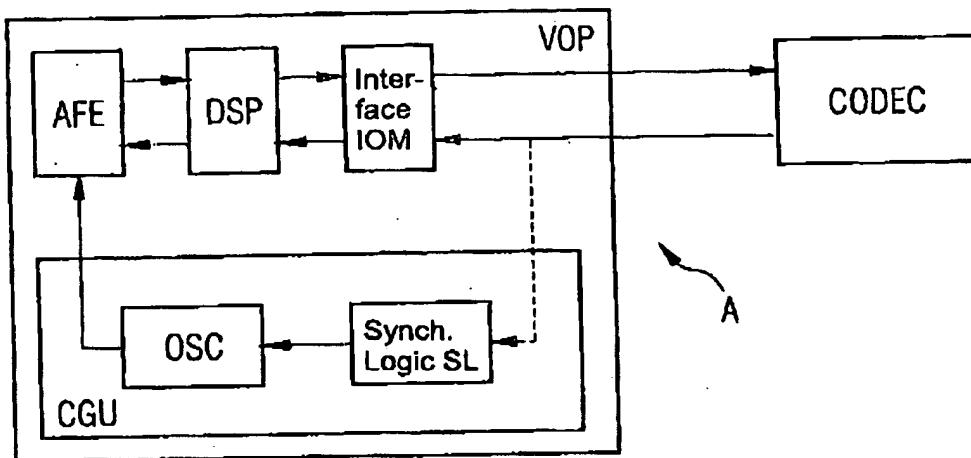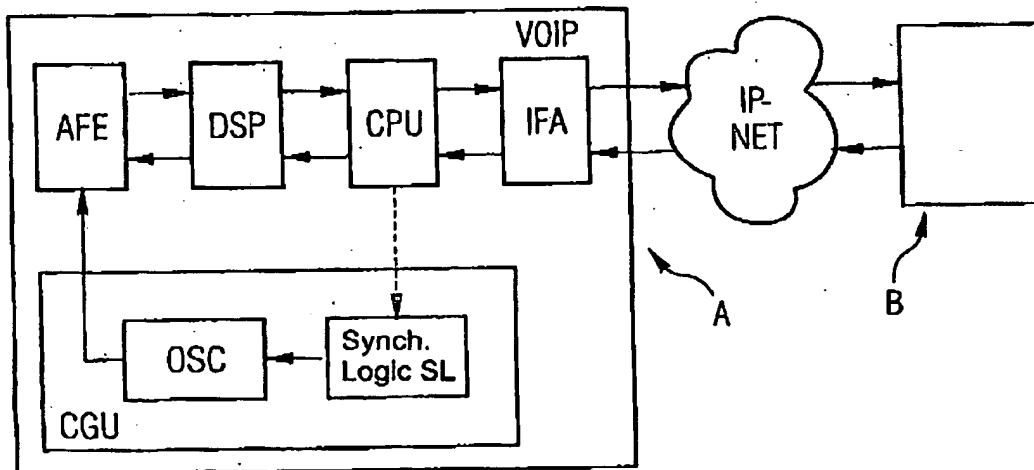Art Unit 2611

T.Bocure

Replacement Sheet

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FIG 1

FIG 2

Replacement Sheet
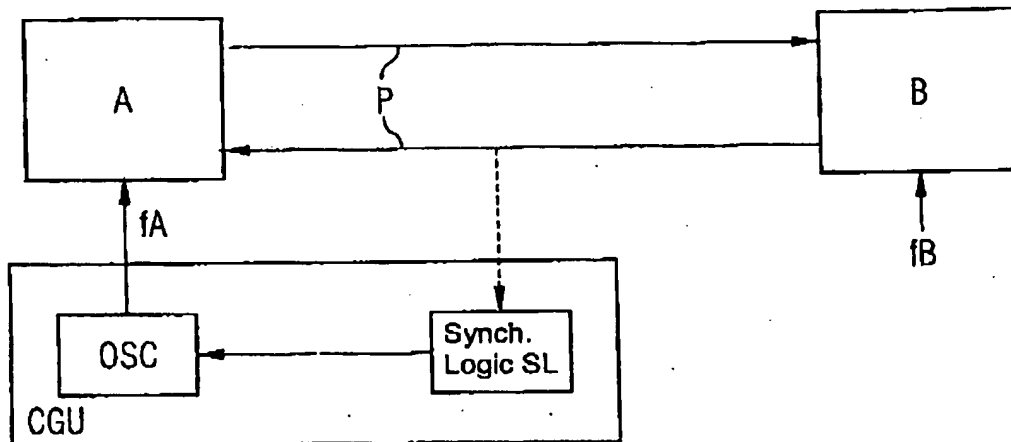
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FIG 3

FIG 4 PRIOR ART